

### REMARKS

Claims 1-26, 28, 29 and 46-55 are pending in the present application.

Reconsideration on the merits is respectfully requested.

The claims are believed to be allowable for the reasons set forth herein. Notice thereof is respectfully requested.

#### Rejections under 35 U.S.C. § 102

Claims 26, 28, 46-47 and 49-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold et al. (USP 4,831,494)

Arnold et al. is cited as disclosing a capacitor comprising a first face and a second face parallel to the first face and four sides perpendicular to and between the first face and the second face. Arnold et al. is further cited as disclosing subunits wherein each subunit comprises first plates and second plates in alternating planar relationship with a dielectric therebetween wherein the subunits are fused together with ceramic between the subunits. Applicant respectfully disagrees with the characterization of Arnold et al.

Arnold et al. describes lamina wherein each lamina has a conductive layer and a non-conductive layer, more commonly

referred to as an electrode layer and a ceramic layer. The lamina are then brought together to form a capacitor.

The present application describes subunits with each subunit having plates of alternating polarity with dielectric therebetween. The subunits are, by definition, capacitors which are then combined to form a larger capacitor by combining the subunits. It is these subunits, or capacitors, which are joined in a parallel fashion to form a larger capacitor.

Arnold et al. can be argued to form subunits since a capacitor is ultimately formed. However, there is no teaching in Arnold et al. wherein these capacitors, as subunits, are then fused as set forth in claim 26. Even more specifically, the subunits can not be considered fused by ceramic since each subunit stands alone within the finished capacitor.

Since Arnold et al. fails to recite subunits fused into a finished capacitor the rejection of claim 26 as being anticipated by Arnold et al. is improper. Claim 28 depends from claim 26 and is patentable over Arnold et al. for, at least, the same reasons as claim 26.

Claim 46 also recites that the subunits are arranged in parallel fashion and with the terminations on a common face.

Arnold et al. fails to recite subunits taken together to form a capacitor and therefore fails to anticipate claim 46. Claims 47 and 49-54 ultimately depend from claim 46 and are therefore patentable for, at least, the same reasons as claim 46.

The rejection of claims 26, 28, 46-47 and 49-54 under 35 U.S.C. 102(b) as being anticipated by Arnold et al. is improper due to the failure of Arnold et al. to recite a critical element of the claim. Specifically, Arnold et al. fails to recite subunits being brought together to form a capacitor. Applicants earnestly solicit a notice of allowance.

#### Rejections under 35 U.S.C. § 103

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (USP 4,831,494) in view of Sutardja (US 2004/0223290).

Arnold et al. is discussed *supra* and all comments contained therein are equally applicable here.

Sutardja is cited as disclosing that the first external terminal of a first subunit are in electrical contact with a first external terminal of a second subunit.

Claim 48 is dependent on claim 46. Claim 46 recites that the subunits are arranged in parallel with the first external terminals and second external terminals on the same face. Sutardja requires the subunits to be stacked and therefore precludes the first external terminals from adjacent subunits being on the same face. It is impossible for the first external terminals to be directly connected, as described in Sutardja, and at the same time to be on the same face. The two configurations are therefore mutually exclusive.

Applicant respectfully submits that the rejection of claim 48 is improperly based on a combination of art which can not be taken together to form a structure as set forth in the claim. The rejection is therefore improper and withdrawal is earnestly solicited.

#### Allowed Claims

Applicant acknowledges that claims 1-25 are allowed and sincerely appreciate the notice thereof.



### CONCLUSIONS

All pending claims are in now believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. T. Guy".

Joseph T. Guy, Ph.D.  
Agent for Applicants  
Registration Number 35,172  
Customer No.: 46591

October 24, 2005